



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 3.3.6	Subject: OFFENDER MAIL
Chapter 3: FACILITY/PROGRAM OPERATIONS	Page 1 of 7
Section 3: Rights and Privileges	Effective Date: June 1, 1998
Signature: /s/ Mike Ferriter, Director	Revised: 01/10/01; 03/12/01; 06/29/01; 02/01/05; 07/18/06; 08/01/07; 05/28/08

I. POLICY

The Department of Corrections secure facilities will establish procedures that permit offenders to send and receive mail in accordance with the provisions of this policy and subject only to the limitations necessary to maintain public safety and facility order, security, health, and rehabilitation.

II. APPLICABILITY

The facilities and programs that include Riverside and Pine Hills Youth Correctional Facilities, Montana State Prison, Montana Women's Prison, Montana Correctional Enterprises, Treasure State Correctional Training Center, and the private and regional facilities contracted to the Department of Corrections.

III. DEFINITIONS

Chief of Security – The staff person, regardless of local title (security major, director of operations), designated by the facility administrator to manage the facility security program.

Contraband – Any item possessed by an offender or found within the facility that is illegal by law, prohibited by policy or procedure, or unauthorized by those legally charged with the administration and operation of the facility.

Correspondence – Letters, sent and received.

Designee – The position responsible for a specific action or program will also apply to that person's designee.

Emergency Situations – Any significant disruption of normal facility or agency procedure, policy, or activity caused by riot, escape, natural disaster, employee action, or other serious incident.

Facility Administrator – The official, regardless of local title (administrator, warden, superintendent), ultimately responsible for the facility or program operation and management.

Mail – All mail, including correspondence, publications, and packages.

IV. DEPARTMENT DIRECTIVES

A. General Requirements

1. Youth correctional facilities may establish procedures for mail services that do not always strictly comply with the provisions of this policy, e.g., national correctional

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standards allow youth offenders to send privileged correspondence to a broader range of officials than is allowed by policy for adult offenders, and youth facilities may limit the nature and amount of publications to which underage offenders may subscribe.

2. The facility administrator, or designee, will:
 - a. assign the chief of security to oversee offender mail services;
 - b. ensure the rules and regulations governing offender mail are available to staff members, offenders, and offenders' correspondents;
 - c. establish written procedures for processing offender correspondence, publications, and packages;
 - d. ensure there is no limit on the source, destination, amount, or content of incoming or outgoing correspondence an offender may receive or send as long as the offender can afford postage unless limitations apply as specified in Sections B and D;
 - e. provide a system for the convenient deposit and distribution of mail on every business day;
 - f. ensure that all incoming and outgoing offender general correspondence may be opened, read, and inspected for contraband and prohibited content;
 - g. require staff to confiscate currency, unauthorized enclosures, and contraband in incoming correspondence and advise the offender of that action;
 - h. establish procedures governing inspection and disposition of contraband;
 - i. establish procedures for identification and handling of prohibited mail as specified in Section H;
 - j. ensure incoming and outgoing correspondence and publications are held for inspection for no more than 48 hours, excluding weekends and holidays or emergency situations;
 - k. ensure incoming and outgoing packages are held for inspection for no more than 72 hours, excluding weekends and holidays or emergency situations;
 - l. forward all first-class correspondence and packages after an offender's transfer or release provided a forwarding address is available; if not, correspondence and packages may be returned to the sender;
 - m. provide offenders with availability to U.S. Postal Service regulations; and
 - n. provide air, certified, registered, oversize, and overweight mail services when offenders have the ability to pay for these services.

B. Limitations

1. Censored Correspondence
 - a. facility procedures will allow uncensored offender correspondence if the correspondence poses no threat to safety and security, public officials or the public, and is not being used to further illegal activities, or considered prohibited mail (see Section H);
 - b. in the event facility staff censor or reject offender correspondence, the offender or source must be notified of the reasons for the action and have an opportunity to appeal the decision to officials who did not participate in the original disapproval of the correspondence.

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2. Offender to Offender Correspondence

- a. correspondence is prohibited between an offender and any individual committed to the same or another correctional facility, unless:
 - 1) the persons communicating are members of the offender's immediate family; and
 - 2) the facility administrator approves an exception to the policy on a case-by-case basis.

3. Offenders on Leave

- a. the 48 hour hold limit for inspection of correspondence and publications, and the 72 hour hold limit for inspection of packages, does not apply to mail held for offenders who are temporarily absent from the facility, e.g., in the hospital or on leave to court.

C. Privileged Correspondence

1. Privileged correspondence consists of correspondence to and from:

- licensed attorneys
- state or federal court judges and their law clerks

2. Outgoing Privileged Correspondence

- a. offenders will:
 - 1) indicate on the envelope their name, identification number, and the name and address of the facility in which they are incarcerated; and
 - 2) indicate on the envelope the name and the official status of the addressee.
- b. the facility will:
 - 1) allow offenders to send privileged correspondence in sealed envelopes;
 - 2) allow staff, in the presence of the offender, to inspect outgoing privileged correspondence for contraband before it is sealed;
 - 3) prohibit staff from reading the content of privileged correspondence during inspection; and
 - 4) hold privileged correspondence for no more than 48 hours to allow verification of the addressee's status, excluding weekends and holidays or emergency situations.

3. Incoming Privileged Correspondence

- a. must clearly indicate the name and official status of the sender on the envelope if it is to qualify as privileged correspondence;
- b. will be opened only to inspect for contraband and only in the presence of the offender, unless waived in writing, or in circumstances which may indicate contamination as approved by the chief of security;
- c. will not be read by facility staff; and
- d. may be held for no more than 48 hours to allow for verification of the sender's status, excluding weekends and holidays or emergency situations.

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D. General Correspondence

1. General correspondence consists of correspondence to and from persons not included in Section C of this policy.
2. Outgoing General Correspondence
 - a. all correspondence will indicate on the envelope the offender's name, identification number, and the name and address of the facility in which the offender is incarcerated;
 - b. all outgoing correspondence may be stamped by the facility with the facility name and address;
 - c. when the offender bears the mailing cost, there will be no limit on the volume of correspondence an offender may send to approved correspondents and no limit on the number of approved correspondents;
 - d. facility procedures will require that indigent offenders be provided the means to send a reasonable amount of correspondence each month;
 - e. all outgoing general correspondence must be left unsealed and may be read by facility staff; and
 - f. if any portion of correspondence that is read contains any of the following, the correspondence will be held, will be considered undeliverable, and investigated according to facility procedures:
 - 1) threats of physical harm against any person or threats of, or participation in, criminal activity;
 - 2) blackmail or extortion;
 - 3) contraband;
 - 4) plans to escape or assist another to escape;
 - 5) plans for activities in violation of facility rules, such as riots;
 - 6) code or foreign language not understood by the reader;
 - 7) drugs or drug paraphernalia; and
 - 8) other material which, if communicated, would create a serious danger to facility security.
 - g. an offender may request that the facility transfer money from his/her account to a person on the offender's approved correspondence/visiting list; and
 - h. if a recipient of offender correspondence notifies the facility that he or she does not wish to receive correspondence from an offender, the facility will notify the offender and return to the offender any correspondence addressed to the recipient.
3. Incoming General Correspondence
 - a. there will be no limit on the amount of first class correspondence an offender is allowed to receive;
 - b. all first class correspondence:
 - 1) must clearly state the offender's name and identification number;
 - 2) will be opened and inspected for contraband; and
 - 3) may be read for any reason.

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- c. if any portion of correspondence that is read contains any of the following, the correspondence will be held, will be considered undeliverable, and investigated according to facility procedures:
 - 1) threats of physical harm against any person or threats of, or participation in, criminal activity;
 - 2) blackmail or extortion;
 - 3) contraband;
 - 4) plans to escape or assist another to escape;
 - 5) plans for activities in violation of facility rules, such as riots;
 - 6) code or foreign language not understood by the reader;
 - 7) drugs or drug paraphernalia;
 - 8) other material which, if communicated, would create a serious danger to facility security; and
 - 9) contents that violate U.S. Postal regulations.
- d. facility procedures will dictate the process by which offenders may receive money from approved correspondents. Offender correspondence will be inspected for cash, checks, money orders, and contraband.

E. Publications

- 1. Offenders may receive publications to include books, magazines, and newspapers sent directly from the publisher and prepaid publications sent directly from a publisher, book club, or book store, as long as the content *does not* violate the provisions of this policy, and provided such material *does not*:
 - a. contain instructions for manufacturing of explosives, weapons, drugs, or drug paraphernalia;
 - b. advocate violence or disrupt the safety and security of the facility;
 - c. advocate racial, religious, or national supremacy or hatred;
 - d. encourage behavior that is detrimental to rehabilitation such as gambling, illegal sexual activity, or the commission of a crime;
 - e. feature nudity or sexually explicit material (see Section H of this policy); or
 - f. violate any other existing facility procedure.
- 2. Offenders may receive books, magazines, newspapers, advertising brochures, catalogs, newsletters, or other published materials as long as they are addressed to the individual offender and include the offender identification number.
- 3. If bulk mailings are properly addressed and denied for content, facilities must have procedures for adequate offender notification.
- 4. If bulk mailings are not addressed as prescribed by this policy, the facility is *not* required to provide an undeliverable notice to the offender; however, facility administrators are advised to consult the U.S. Postal Regulations and local post office regarding the proper handling of these items, i.e., whether the postal service destroys them or delegates to the facility the permission to destroy them.

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5. Facility administrators will develop procedures to address restricted items, e.g., credit cards or credit card applications, or other materials that may be excluded on the basis of security.

F. Packages

1. A designated facility staff member will:
 - a. screen and approve all offender packages;
 - b. inspect all incoming and outgoing packages for contraband;
 - c. process packages in an area inaccessible to offenders;
 - d. dispose of all packaging material outside of the facility; and
 - e. inventory and document package contents in accordance with facility procedures.
2. Offenders will pay to ship their own packages and send them only to persons on their approved correspondence/visiting list.

G. Tapes

1. Offenders may not send or receive taped correspondence without prior approval from the facility administrator.

H. Prohibited Mail

1. Offenders may not send or receive mail, including publications, that contain or feature nudity or sexually explicit material in accordance with the following definitions:
 - nudity: pictorial depictions of the fully exposed female breast(s) and the genitalia of either gender.
 - sexually-explicit material: pictorial depictions, e.g., drawings, photographs, or computer-generated images, of actual or simulated sexual acts including, but not limited to, sexual intercourse, oral sex, or masturbation.
 - Features: publications that contain depictions of nudity or sexually explicit conduct on a routine or regular basis or promotes itself based on such depictions.
2. Facility procedures will include a ban on sexually explicit writings that may negatively impact the safety and security of the facility.

V. CLOSING

Questions concerning this policy should be directed to the facility administrator.

VI. REFERENCES

- A. 45-7-307, MCA, *Transferring Illegal Articles – Unauthorized Communication*
- B. 4-4487 through 4-4496; *ACA Standards for Adult Correctional Institutions, 4th Edition*
- C. 4-4492, 4-4495; *ACA 2008 Standards Supplement*
- D. 3-JTS-5H-01 through 3-JTS-5H-10; *ACA Standards for Juvenile Correctional Facilities, 2003*
- E. 3-JTS-5H-04, 3-JTS-5H-08, 3-JTS-5H-09; *ACA 2008 Standards Supplement*

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F. Guidelines for the Development of a Security Program, 3rd Edition, 2007

G. DOC Policy 3.1.17, Searches and Contraband Control

VII. ATTACHMENTS

None.